

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DEBBIE L. HOLLAND,

Plaintiff,

v.

MICHAEL ASTRUE, Commissioner of
Social Security,

Defendant.

CASE NO. C09-5574JRC

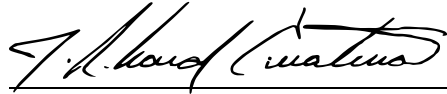
ORDER

This matter has been referred and reassigned to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(c). In the instant case, plaintiff's social security administrative claim file and the recording of the October 21, 2008 hearing before the administrative law judge have not yet been located by the administration. Accordingly, the administrative record is incomplete. As such, good cause exists to support this request for remand pursuant to sentence six of 42 U.S.C. § 405(g).

After reviewing the agreed motion to remand the matter to the administration (Doc. 11), it is hereby ORDERED that this case is REMANDED to the Commissioner pursuant to 42 U.S.C. § 405(g), sentence six.

1 Upon receipt of the court order of remand, the Appeals Council shall review the materials
2 provided by plaintiff's attorney. If the record is complete, the Appeals Council will prepare the
3 administrative record and the Office of the General Counsel will move to reopen the case and file
4 the Commissioner's Answer. If the Appeals Council finds that the record is incomplete, it will
5 continue to search for the missing claim file and hearing recording. If the file and recording
6 cannot be located, the Appeals Council will remand the case to an administrative law judge to
7 reconstruct the administrative record, hold a de novo hearing, and issue a new decision. If the
8 outcome of the de novo hearing is unfavorable to plaintiff, he may seek judicial review by
9 reinstating this case rather than by filing a new Complaint.
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11 Dated this 7th day of June, 2010.

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14 J. Richard Creatura
15 United States Magistrate Judge
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